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General Assembly

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Official Records

67th plenary meeting
Wednesday, 28 November 2001, 3 p.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Baialinov (Kyrgyzstan), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 30 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/56/58 and Add. 1)

Report on the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its second meeting (A/56/121)

Draft resolution (A/56/L.17)

(b) Agreement for the Implementation of the Provision of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Report of the Secretary-General (A/56/357)

Draft resolution (A/56/L.18)

Mr. Vassallo (Malta): Allow me to commence by thanking Mr. Marcel Biato of the Permanent Mission of Brazil for introducing the draft resolution on oceans and the law of the sea yesterday afternoon, and for inviting me to assist him in coordinating the negotiations thereon. My sincere gratitude also goes to the numerous delegations thanks to whose ideas, input and, above all, flexibility it was possible to present to the Assembly a draft resolution that I believe does justice to the high ideals of the United Nations Convention on the Law of the Sea.

The draft resolution not only is comprehensive in its overview of oceans and law of the sea affairs, but is also pregnant with new possibilities and initiatives that should enhance the potential of the international community to address ever more effectively the challenges and complexities that come with the management of the larger part of the earth's surface.

My delegation's warm appreciation also goes to the staff of the United Nations Division for Ocean Affairs and the Law of the Sea for their advice, expertise and invaluable assistance in the elaboration of this draft resolution. Their dedicated preparation of the Secretary-General's reports on oceans and the law of the sea provides a crucial contribution to our discussions under this agenda item, as well as within the Informal Consultative Process on Oceans and the Law of the Sea.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

01-66675 (E)

This morning we heard the representative of Belgium deliver a statement on behalf of the European Union and associated countries, including Malta. While aligning myself fully with the content of his statement, I would like to make a number of brief remarks from a national perspective.

Earlier this month our Minister for Foreign Affairs, Mr. Joe Borg, spoke of the difficult decisions that Malta grapples with daily in striving for environmentally sustainable development and higher living standards on an island that has one of the highest population densities in the world but that is bereft of natural resources. Our relationship with the Mediterranean Sea, which provides us with our economic lifeline, is an extension of that challenge. The exhaustibility and fragility of its resources, as well of those of ocean spaces beyond it, were at the centre of the Government's decision to accede to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This month Malta was pleased to join the other 29 countries that led the way by ratifying and acceding to this Agreement. On 11 December 2001 we will all witness its entry into force.

That Agreement elaborates on the obligations laid out in the United Nations Convention on the Law of the Sea for States to cooperate in the conservation and management of straddling and highly migratory fish stocks. While the Agreement makes it quite clear that this general obligation to cooperate extends also to non-States parties by virtue of the Convention itself, countries that are party to the Agreement are now called upon to implement its provisions in fulfilling their responsibilities as fishing States, port States and flag States.

The Government of Malta also welcomes the adoption earlier this year of the Food and Agriculture Organization of the United Nations (FAO) International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The concurrent implementation of the International Plan of Action and the Fish Stocks Agreement should prove mutually enforcing for both instruments.

We are well aware that the living resources of the oceans and the seas are threatened not only by overexploitation but also by pollution from land-based sources and ships. As the world's fourth largest flag State, Malta is conscious of its special responsibilities in this regard.

The Maltese maritime authorities are very much involved in global efforts to reduce the adverse impact of international shipping on the marine environment, particularly within the International Maritime Organisation (IMO), whose role in this regard is pivotal.

Allow me to take this opportunity to thank the member States of the IMO for electing Malta with the highest number of votes to Category C of its Council last Friday. The Government of Malta interprets this support as a recognition of our achievements in raising our standards of maritime safety and as encouragement to continue doing so.

Within the context of its accession negotiations to the European Union, earlier this month Malta concluded negotiations on transport, including the safety of maritime transport. This was done on the basis of the changes that have already been effected to bring Malta fully in line with European Union standards in this field by 2003. For a country where tourism is a pillar of the economy, such efforts are dictated as much by self-interest as by our sense of responsibility to the international community.

Malta was pleased to note that consensus was achieved on "the protection and preservation of the marine environment" as a theme for next year's informal consultative process on oceans. This choice should make for another valuable contribution by the consultative process to the better governance of the oceans on the basis of its consideration of the Secretary-General's report. The concurrent consideration of capacity-building, regional cooperation and coordination, as well as integrated oceans management, as cross-cutting issues signals a further qualitative leap in the development of the consultative process in the year it is to come under review. My delegation believes that it is precisely these cross-cutting issues that hold the key to solving many of the oceans' problems.

The International Seabed Authority is an example of such an approach to a particular aspect of oceans governance — namely, the resources on the ocean floor beyond national jurisdiction. While welcoming the ongoing elaboration by the Authority of recommendations for the guidance of contractors to

ensure the effective protection of the marine environment from harmful effects that may arise from activities in the Area, allow me to conclude my statement with an excerpt from a speech delivered at the United Nations in 1967 by the late Permanent Representative of Malta to the United Nations, Ambassador Arvid Pardo.

> "Whatever wasteful methods of exploitation we use on land, destructive of our soil, poisoning our atmosphere or dissipating blindly the priceless heritage of nature, at least on the ocean floor we must not betray our sacred trust, and we must hand on this area, the very wellspring of life on this small planet of ours, unimpaired to our children and our children's children".

In view of the upcoming twentieth anniversary of the opening for signature of the Convention on the Law of the Sea in 2002, I believe that his words still carry a message for all delegations as we strive to fulfil our responsibilities as temporary curators of the oceans and the seas.

Mr. Nakayama (Federated States of Micronesia): No one will be surprised to learn that my delegation is participating again in the debate on this important agenda item here at the fifty-sixth session of the General Assembly.

The ocean is especially critical to my country, the Federated States of Micronesia. For hundreds of years, our culture and livelihood have depended on the ocean's resources. So much of our identity and our essence as a people is tied up with the oceans that surround our islands. Many of the economic resources that will lead to the diversification of our economy can be found in the ocean. It is, therefore, not surprising that my delegation fully supports and is pleased to add its name to the list of sponsors of the two resolutions on oceans and fisheries now before us. We are also pleased to be associated with the statement delivered by the Ambassador of Nauru on behalf of the members of the Pacific Islands Forum.

My delegation commends the progress made by the General Assembly in its annual review of oceans and the law of the sea. Issues covered in this debate and the present resolutions are most important to my country.

Earlier on, in May of this year, the informal consultative process on oceans issues continued to address aspects of oceans and the law of the sea, and provided this Assembly with an invaluable and constructive tool for its review of developments in this area. The future work of the informal consultative process is vitally important to our efforts to develop a cogent and comprehensive ocean policy. It provides an avenue to comprehensively address the realities and challenges of oceans issues facing us in this new millennium.

While this one-day debate on oceans and the law of the sea cannot address all of the broader oceans and law of the sea concerns, a few in particular stand out today as having critical importance to my delegation, and, in fact, to many of the island States in the Pacific region. One issue of utmost importance is the recent decision taken by States parties to the United Nations Convention on the Law of the Sea (UNCLOS) last May to extend the time frame for the delimitation of the continental shelf. For those of us from coastal States, we can fully understand and appreciate the importance of such an extension. The decision to do so has many implications in terms of our economy, as well as our own enjoyment of ocean and coastal resources. My delegation commends the cooperation and good will shown to small island developing States by States parties to the Convention on the Law of the Sea for their demonstrated commitment to a cooperative solution in addressing an outstanding issue of importance to many of us.

Despite all the efforts undertaken by the international community for a new deadline for submissions to the Commission on the Limits of the Continental Shelf, the actual problem of getting it done remains a basic concern for many small island developing States. For a small country like the Federated States of Micronesia, it is clear that the preparation and presentation of a submission remains a complex task, requiring significant amounts of financial resources, capacity and expertise. We continue to call upon the international community and the many international organizations to help us develop the necessary manpower and technical capacity to ensure that we are able to exercise our rights and fulfil our obligations under the Convention. Their support, financial or otherwise, is most appreciated.

Capacity-building is seen by many of us from the small island developing States as one of the key areas in which our developed partners and international

organizations are well positioned to help us develop from the ground up.

It is important to realize that the pleas of small island States like mine for action against fishing conducted illegally or in an unregulated way are not merely self-serving. The indiscriminate destruction and loss of vast ocean resources is a threat to a large portion of the world, and careful management and monitoring is needed to address these problems. The Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, made pursuant to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, addresses these problems. Implementation of this new Convention, which my country and many Pacific island nations have signed, ensures the rational conservation, management and consequent sustainability of migratory fish stocks in the Convention area.

Recently, the Government of Malta became the thirtieth State party to the implementing Agreement on the conservation and management of straddling and highly migratory fish stocks. With that milestone, the Agreement is now on the brink of entry into force. My Government congratulates its sister State member of the Alliance of Small Island States, Malta, on that distinguished achievement.

As the United Nations continues to seek effective means to preserve an important heritage of mankind, its ability to do so successfully depends to a large extent on the ratification and implementation of the United Nations Convention on the Law of the Sea and its associated instruments.

It would be remiss of me not to extend the gratitude of my delegation to the coordinators of the two draft resolutions before the Assembly for their diligent efforts and craftsmanship and for their well-balanced approach to an important but complex issue. My Government fully supports the draft resolutions, and humbly calls upon the other members of the Assembly to lend them their support.

Mr. Adamhar (Indonesia): Let me begin by thanking the Secretary-General for the comprehensive reports before us at the fifty-sixth session on matters relating to the law of the sea and ocean affairs. Likewise we appreciate the efforts of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, which contribute to the wider acceptance and rational and consistent application of the United Nations Convention on the Law of the Sea.

Before proceeding further, my delegation wishes to associate itself fully with the statement delivered yesterday on this item by the representative of the Islamic Republic of Iran on behalf of the Group of 77.

The 1982 United Nations Convention on the Law of the Sea stands out as a landmark document providing a universal legal framework for the world's oceans and seas, including for the sustainable development of their resources. My delegation is gratified that an increasing number of States are ratifying the Convention, bringing the total number of States parties to 137 as of 12 November 2001. That process should be sustained so that we can move steadily forward towards the goal of universal State participation in the Convention. That is essential, given the conclusions reached in the January 2001 report of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) that

> "The state of the world's seas and oceans is deteriorating. Most of the problems identified decades ago still elude resolution, and many are worsening". (*GESAMP, A Sea of Troubles, GESAMP Reports and Studies No. 70, United Nations Environment Programme, 15 January 2001, quoted in A/56/58, para. 1*)

In the same vein, the depletion of marine resources of the oceans and the seas over the past decade has led to a new legal regime that would assure the sustainable yield of fisheries and the protection of the Earth's environment based on the shared responsibility of the international community. We therefore are particularly gratified by the entry into force of the 1995 Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. This will in essence place an obligation on States parties to provide information to the Secretary-General on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks; States not parties can participate on a voluntary basis.

As a developing country and an archipelagic State, Indonesia attaches utmost importance to this dynamic and evolving body of law with respect to securing the benefits of the ocean regime in a sustainable manner. As a party to the Convention, Indonesia has taken concrete steps to harmonize its national laws with the provisions of the Convention. It has also deposited with the Secretary-General charts and lists of geographical coordinates as provided for by the Convention. Similarly, under provisions relating to navigation, Indonesia informed the Maritime Safety Committee of the International Maritime Organization (IMO) at its 72nd and 73rd sessions of the progress made towards finalizing draft national regulations concerning the designated archipelagic sea lanes and other basic rules and regulations on related passages.

In the field of capacity-building, we cannot but underscore the importance of assisting developing countries in the economic, legal, navigational, scientific and technical sectors; this is needed for them to fully implement the provisions of the Convention and for the sustainable development of the oceans and the seas.

In that context, cooperation at the international and regional levels is key to combating piracy and armed robbery at sea. It should be noted that the Association of South-East Asian Nations (ASEAN) regional workshop convened in Singapore in October 2000 made recommendations on curbing the problem of piracy, including efficient exchange of information on investigation, apprehension and prosecution of pirates. Further, experts meeting in Malaysia decided that there was a need to establish a uniform format for reporting to law enforcement agencies. My delegation also welcomes the efforts of the IMO, particularly its evaluation and assessment missions dispatched to Singapore and to Jakarta in March 2001. The priority given by ASEAN countries to this international crime was once again reaffirmed at the third ASEAN Ministerial Meeting on Transnational Crime, held in Singapore in October 2001, at which ASEAN ministers, inter alia, recognized the growing need for the region to deal with many forms of transnational crime, including sea piracy, and thus reaffirmed their commitment to enhanced cooperation towards that end.

Within the framework of strengthening regional cooperation, Indonesia was pleased to host the eleventh workshop on managing potential conflict in the South China Sea. This was part of a series of workshops aimed at identifying concrete and practical programmes and projects intended especially to encourage countries in the region to foster confidence-building measures through dialogue and cooperation.

My Government deems marine and maritime development to be of the utmost importance; hence the establishment of our Department of Maritime Affairs. This is intended to bring Indonesia's marine and maritime resources into play for its national development. As the department becomes more effective, it will help with Indonesia's contributions in all endeavours with a view to establishing integrated and better management of the oceans and the seas.

We are pleased that the institutions provided for under the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are fully functional and are effectively carrying out the mandates entrusted to them under the Convention. My delegation has also taken note of the signing of contracts concerning six pioneer investors, with another to be signed in the near future.

My Government was also particularly pleased to submit its nominations for the positions of conciliators and arbitrators in accordance with Annexes V and VII of the Convention. In our view, these individuals have outstanding abilities and experience in the field of the law of the sea and should serve ably in those capacities.

Cognizant that issues relating to the oceans and seas are highly complex and interrelated and that they thus deserve to be considered in an integrated manner, we acknowledge the role of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in facilitating the annual review of developments in this ever-expanding field.

Also, the establishment of the Trust Fund by the Secretary-General pursuant to General Assembly resolution 55/7 is a welcome development in assisting developing countries to participate in the consultative process, thereby promoting universal participation in the processes of the Convention.

Finally, it is a distinct pleasure for my delegation, as in previous years, to sponsor the resolution contained in document A/56/L.17 before us, and we hope that all States lend it their support.

Mr. Herasymenko (Ukraine): Ukraine is firmly committed to the United Nations Convention on the Law of the Sea as the legal framework within which all activities related to oceans and seas should be carried out. Over the past years, the debate on the law of the sea and ocean affairs has gradually evolved from praise for the 1982 Convention to a more practical exchange of views on how the Convention can be most effectively implemented in order to enable all States to benefit from it.

At this stage, Ukraine wishes to note with satisfaction the announcement made yesterday by the representative of the United States concerning the forthcoming accession of the United States to the Convention.

The delegation of Ukraine welcomes the Secretary-General's report on oceans and the law of the sea, which allows us to assess the implementation of the Convention and to view all events and developments pertinent to world oceans from a global perspective. Unfortunately, as the report stresses in its very first paragraph, "The state of the world's seas and oceans is deteriorating. Most of the problems identified decades ago still elude resolution, and many are worsening". It is true that the pollution of the seas and oceans has returned to the forefront of international concern. The overexploitation of fishery stocks today not only hinders the process of sustainable development, but also endangers the delicate legal balance struck in the Convention. Piracy and armed robbery are costing the shipping industry millions. Moreover, they endanger the very lives of seafarers.

The report indicates that apart from the Convention, which sets out the general legal framework, more than 450 treaties at the global and regional levels regulate fisheries, pollution from all sources and navigation. Unfortunately, the link between the normative level and the implementation level is clearly insufficient. This is why the adaptation of the institutional framework has been very slow, and this complex web of binding and non-binding instruments has contributed to rendering the task of policy makers and managers at the national level more difficult.

My delegation also welcomes the Secretary-General's report on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. For Ukraine, the issues of fisheries are of great importance. My country is undertaking practical steps to implement the provisions of the Fish Stocks Agreement. The law on the ratification of the Agreement has successfully passed the stage of consideration in parliamentary committees and will be submitted in the very near future for final adoption by the Parliament.

After that, the Ukrainian law on licensing certain types of commercial activities will be amended and fishing vessels flying the Ukrainian flag on the high seas beyond the jurisdictional limits of Ukraine will be licensed accordingly. The ship owners will have to provide specific information guaranteeing responsible fishing and implementation of measures to prevent, deter and eliminate illegal, unreported and unregulated fishing. Ukraine will ensure effective control over the activities of ships flying its flag, and it will take all necessary measures to control their fishing activities in accordance with the 1982 Convention and the Fish Stocks Agreement.

This year, Ukraine participated in the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem held from 1 to 4 October 2001, where we once again emphasized the importance of scientific research of marine ecosystems for responsible fisheries. Equally important is the training of personnel involved in fisheries. In Ukraine, such training programmes include, among other subjects, courses on the ecology of sea organisms, their interaction with the environment and the impact of fisheries on marine ecosystems.

We strongly believe that all States should apply an effective precautionary approach to the conservation, management and exploitation of fish stocks in order to protect living marine resources and preserve the marine environment. The fishing industry, traders and consumers should be equally liable for damage inflicted on such resources. We fully subscribe to the words of the Ambassador of Nauru, who spoke yesterday on behalf of the Pacific Islands Forum Group, saying that the solution to problems of unregulated, unreported and illegal fishing rests with all States: coastal States, flag States, fishing States, port States and market States.

In Ukraine, the precautionary approach in fisheries is theoretically well researched and

developed. This approach requires substantial financial resources. At first, the fishing capacity of a particular stock has to be evaluated. Then, the scientifically sound limits of the allowable catch are to be established. Only after that will the harvesting of fish stock be allowed. In this respect, I wish to emphasize the importance of the assistance of consumer countries to countries engaged in fisheries in applying the precautionary approach.

Apart from that, Ukraine shares the view expressed by a number of scientists at the Reykjavik Conference that many documents adopted at a high level, within the Food and Agriculture Organization of the United Nations (FAO) in particular, are largely of a declarative and recommendatory nature, which does not contribute to their effective and speedy implementation. This can be said of a number of international plans of action, in particular, the International Plan of Action against Illegal, Unregulated and Unreported Fisheries. This plan is one of the most important plans developed and adopted by FAO. The non-binding character of this and several other plans gives rise to doubts whether they can be promptly and effectively implemented in a comprehensive manner. The desired results can be achieved only if such plans are applied universally.

This relates, for example, to the preservation measures adopted for the Patagonian toothfish stocks. We welcome the adoption by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) of rather effective measures to strengthen control over the utilization of the Patagonian toothfish stocks and to prevent their illegal, unregulated and unreported fishing. However, the non-implementation of these measures by a number of States that are not members of that organization significantly reduces their effectiveness. In spite of numerous CCAMLR resolutions calling upon such States to cooperate, the situation has not improved. The trade restrictions imposed by the Commission's measures also induce resistance on the part of commercial enterprises involved in the exploitation of marine living resources.

In the past year, Ukraine took part in the 20th session of CCAMLR. Ukraine also participated in the last session of the Northwest Atlantic Fisheries Organization.

We wish to note with satisfaction that constructive collaboration between different regional fisheries organizations has produced some positive trends. The management of some straddling fish stocks — for example, ocean perch migrating from the north-east to the north-west Atlantic — has been improved. We have also seen improvements in the exchange of information and coordination of actions with respect to States that are not members of fisheries organizations. Since several regional organizations have similar or overlapping scopes of activities and objects of regulation, this kind of cooperation should be further expanded.

In our opinion, it is also high time to address the problem of the use of double standards in the management of the marine living resources of the high seas by a number of States that wish to control fishing not only in their economic zones, but also beyond them. In this connection, I wish to place particular emphasis on the provisions of operative paragraph 15 of resolution 55/8, adopted last year, which invites regional and subregional fisheries organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participate in such arrangements. We are concerned that some States are pursuing — both within and outside such organizations — a policy of placing unjustified restrictions on the fishing of certain species which are not supported by consistent scientific data.

Closer to Ukrainian shores — in the Black Sea region — the coastal States recently resumed negotiations on a draft convention on fisheries and the conservation of Black Sea marine living resources. However, in view of the many financial and other problems facing the countries of the region, further negotiations on such an instrument might not be easy.

It is quite obvious that two or three formal meetings in the Assembly are not sufficient to enable us to pay due attention to the question of ocean affairs and the law of the sea, and, in particular, to areas in which coordination and cooperation must be strengthened. We have stressed in the past, and share the view expressed yesterday and today, that the General Assembly has an important role to play in contributing to this goal by maintaining oversight of the complex network of processes, organizations and responsibilities established by the Convention and in ensuring that these activities are in line with the overall balance achieved in the Convention.

In this connection, I would like to say a few words about the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. This process was initiated to provide an adequate forum for a more substantive debate on these matters within the global perspective of the United Nations. The time allotted to these important issues within the context of the General Assembly plenary allows only for general statements of principle to be made and for the highlighting of a laundry list of matters of particular interest to each State. This provides a rather limited opportunity for a genuine exchange of views among States on possible solutions to common problems. This was clearly inadequate. The launching of an Informal Consultative Process was envisaged as an opportunity for States not only to identify problems, but also to provide a forum in which those problems could be thoroughly addressed through a fruitful dialogue, in order to find viable solutions to rectify them.

Although the Process has, in fact, resulted in an improvement in the quality and length of the discussions on important matters related to the law of the sea, it has already displayed certain strengths and presented certain drawbacks. It may not be necessary to wait until the formal time set for review — in 2002 — to begin to address some of the latter. The recommendations contained in the report of the two co-Chairmen are useful, but it is not always clear which recommendations have the full backing of States. Further discussions should take place only during the preparation of the relevant resolutions in the General Assembly. Only then does it become clear which recommendations can receive support from Governments and which are, perhaps, only interesting ideas put forward by some participants in the Process, including non-governmental organizations, international organizations and other entities, which make proposals that are theoretically very appealing but that cannot be supported by States for political, economic or other reasons.

In this connection, we note with particular interest the views expressed yesterday by the Ambassador of Norway, who suggested the possibility of either referring this agenda item to one of the Main Committees of the General Assembly, or of considering the establishment of a special committee on oceans and the law of the sea, based on the model of the Special Committee on Peacekeeping Operations.

The Eleventh Meeting of States Parties to the Convention adopted several important decisions. Ukraine welcomes the establishment at the Meeting of an open-ended finance working group to review the proposed budget of the International Tribunal and to make recommendations to the Meeting. This should expedite the work of the Meeting.

The Meeting also adopted a decision providing that, for a State for which the Convention entered into force before 13 May 1999, the date of commencement of the 10-year time period for making submissions to the Commission on the Limits of the Continental Shelf will be 13 May 1999 — the date of the adoption by the Commission of the Scientific and Technical Guidelines. We welcome this decision, which we view as a step towards a comprehensive resolution of the issue, including the question of a possible extension of the 10-year time limit itself, in full compliance with the relevant provisions of the 1982 Convention. The aforementioned decision will facilitate the collection of the necessary data and the preparation of submissions by developing States. Capacity-building and the training of personnel for this purpose is of vital importance. In this respect, granting observer status to the Commission at the Meeting would be most useful. It would also help to establish the proper relationship between the Meeting and all three bodies established on the basis of the Convention — the Authority, the Tribunal and the Commission.

The report on ocean affairs and the law of the sea represents the best annual review of developments in maritime affairs throughout the United Nations system, and even beyond it. The second report on fisheries has proved to be an excellent basis for the annual debate on this issue in the General Assembly, due to the scope and importance of the information contained therein.

Both reports were prepared by the Division for Ocean Affairs and the Law of the Sea. Over the years, the Division has provided valuable assistance with respect to the wide range of issues with which it has been entrusted. We congratulate the staff of the Division and its Director — Mrs. Annick de Marffy — for their continued excellent performance. Ukraine considers it most important that the Division be accorded sufficient resources to continue to provide this vital assistance to the General Assembly.

Finally, turning to the two draft resolutions before us, I would like to thank the coordinators for their

tireless efforts in facilitating the negotiations on these documents. Ukraine has co-sponsored the first omnibus draft resolution. We also support the draft resolution on fisheries.

Mrs. Quarless (Jamaica): I have the honour to speak on agenda item 30 (a) on "Oceans and the Law of the Sea" on behalf of the 14 coastal States of the Caribbean Community (CARICOM) that are Members of the United Nations.

We welcome the reports of the Secretary-General, which address comprehensively developments in the range of issues and initiatives associated with oceans and the law of the sea. We also take this opportunity to commend the Division for Ocean Affairs and the Law of the Sea for its work during the past year.

The CARICOM States underscore the importance which they continue to attach to the United Nations Convention on the Law of the Sea as the comprehensive legal framework for governance of the oceans. It remains the fundamental expression of the commitment of the international community to more effective management and protection of the resources and services of the world's oceans and seas, and it seeks to preserve equity and justice in the exploitation of this shared patrimony. As we prepare to celebrate next year the twentieth anniversary of its adoption at Montego Bay, we encourage all States to work towards its universal acceptance and application.

We wish to express our deep regret for the recent death of Judge Edward Laing, one of the two distinguished CARICOM members of the International Tribunal for the Law of the Sea. This is indeed a loss for the Tribunal and for our region.

We note with satisfaction the progress in the work of the International Seabed Authority. Since the adoption last year of the Regulations on prospecting and exploration for polymetallic nodules in the Area, the Authority has begun to issue contracts to pioneer investors for the exploitation of the Area. We also welcome the decision of the Authority, this year at its seventh session, to begin consideration of regulations for the exploration of polymetallic sulphides and cobalt crusts.

We consider it important for there to be the widest possible participation in the work of the Authority, which addresses a unique aspect of the governance of oceans and seas. We therefore once again encourage States parties to the Convention to attend and participate in the meetings of the Authority. In this regard, the importance of developing country participation to ensure equity in the benefits derived from exploitation of the resources of the seabed cannot be overemphasized. We continue to appeal for financial assistance to facilitate developing country participation in the work of the Authority.

CARICOM States also endorse the attention being given by the Commission on the Limits of the Continental Shelf to the issue of training, with a view to strengthening the capacity of developing States to prepare submissions in respect of the outer limits of the extended continental shelf. In this regard, Brazil's offer to sponsor a training course in March next year is very welcome.

In the same vein, we welcomed the decision of the Eleventh Meeting of States Parties this year regarding the commencement date for the 10-year period for the submission of data to the Commission by coastal States. This will benefit States, as it will enable them to comply with requirement of article 4 of annex II of the Convention. Beyond that specific concern, we strongly support the current focus on capacity-building to enhance the ability of developing States to implement the provisions of the Convention and to facilitate their efficient and productive use of ocean resources. We continue to support the ongoing training programmes maintained by the Division for Ocean Affairs and the Law of the Sea, particularly the Hamilton Shirley Amerasinghe Memorial Fellowship and the TRAIN-SEA-COAST Programme.

The Caribbean Community is made up of small island and coastal States which are dependent for their viability on the effective management, protection and sustainable exploitation of the sea and its resources. CARICOM States therefore set great store by section D of part VI of the Secretary-General's report, which addresses the sustainable development challenges faced by small island developing States, within the context of their heavy reliance on the oceans and seas. As is well known, we are particularly exposed to the influence of natural phenomena, which play a major role in the deterioration of coastal and marine environments. This exposure to environmental events has compounded the challenge of achieving sustainable development through effective ocean and coastal zone management. Indeed, because of the environmental and economic vulnerabilities faced by these States, many of the issues

related to ocean governance assume even greater significance.

The challenge posed by marine pollution is a good example of this. The effective management of marine pollution is crucial for the viability of important industries like tourism and fisheries. At stake is the sustained economic well-being of our populations, particularly the coastal communities.

The transboundary implications of marine pollution for archipelagic States in a semi-enclosed marine space like the Caribbean Sea are also a concern. For this reason, CARICOM States recognize the importance of a regional approach to the management and protection of their regional marine space. The need to ensure adequate protection of our fragile marine ecosystems from harmful events such as oil spills and pollution from hazardous waste remains a priority for our region.

In this regard, we reiterate our expressed concern at the inadequacy of protection offered to en route coastal States by existing international regulations on the transport of radioactive nuclear waste by sea. This is an issue that must engage the international community urgently.

CARICOM States participate actively in initiatives designed to promote more effective management of the regional marine space. In this regard, we welcome the integrated coastal area management programme of the Intergovernmental Oceanographic Commission (IOC), which seeks to build the marine scientific and technological capacities of States.

We strongly encourage the provision of adequate financing for integrated coastal area management programmes to assist our States in strengthening institutional and human capacity for the more effective management of marine and coastal resources. In this context, we look forward to the early approval of the large marine ecosystem project designed by the IOC Sub-Commission for the Caribbean, which has been submitted to the Global Environment Facility for funding.

We also underscore our commitment to the regional seas programme of the United Nations Environment Programme (UNEP). Of particular relevance to our region is the Cartagena Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region and its Protocol on land-based sources of marine pollution. We note with satisfaction the recent review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

CARICOM States attach priority to their effort to establish a strong regional framework for the management of fisheries. The challenges to the sustainable development of fishery resources are formidable, ranging from the appropriate assessment of fish stocks and maximum yields to the establishment of fishing rights, including effort quotas and catch limits. It is our hope that the Regional Fisheries Mechanism, established this year in our region, will be central to this regional management regime.

Here again the need for adequate and appropriate scientific and technological capacity presents a formidable challenge to the achievement of our objective. We therefore consider the focus on the development and strengthening of indigenous capacity for marine science and technology research to be both timely and welcome. There is also an urgent need for the investment of financial resources to support regional fisheries programmes.

In this regard, the Coastal and Marine Management Programme of the Caribbean Conservation Association is worthy of mention. Under this Programme, a range of projects is envisaged, aimed at promoting the sustainable development of fisheries and strengthening food security and sustainable livelihoods for communities in the Caribbean and Central American region. Funding for this Programme is actively being sought from donor countries, agencies and non-governmental organizations, partnership being the key to its implementation strategy.

For this reason, the CARICOM States welcome the imminent entry into force of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which has positive implications for fisheries negotiations in the Caribbean region.

CARICOM States note with appreciation the report of the second meeting of the Open-ended Informal Consultative Process on ocean affairs. We welcome the effort made within the Process to support

Member States in their implementation of activities mandated within the framework of the Convention. While we continue to underscore the importance of maintaining the integrity of the Convention and of the institutions created by it, we look forward to participating in the Consultative Process, with a view to enriching the General Assembly's annual review of developments in ocean affairs and the law of the sea.

Mr. MacKay (New Zealand): New Zealand warmly associates itself with the statement made by the Permanent Representative of Nauru on behalf of the States of the Pacific Islands Forum, of which New Zealand is a member. We would also like to add a few comments to the debate on our own behalf.

The Permanent Representative of Nauru spoke of the significance of this item for the States of the South Pacific. New Zealand, like its Pacific neighbours, is an island country surrounded by ocean. The sea is an integral part of our lives and of our livelihood. The areas of ocean under our jurisdiction amount to almost four times the size of our land territory, so the importance of healthy and well-managed oceans to New Zealand and to New Zealanders is very obvious.

Healthy and well-managed oceans, however, require an integrated approach. Such an approach is reflected in our guiding legal instrument, the United Nations Convention on the Law of the Sea (UNCLOS). The challenge before us now is to carry that approach forward in the implementation of the legal framework, with coordination between States, organizations, agencies and programmes.

New Zealand considers that the General Assembly has a critical role to play in this regard, and we therefore continue therefore to give this item and this debate our full attention. We also recognize, however, that two days' debate within the plenary schedule cannot be expected to deliver everything required. That is why we consider the informal consultative process established in 1999 a very important tool to assist the Assembly in its task. This process provides a vital opportunity to survey the various aspects of the international oceans framework and to apply an intersectoral and interdisciplinary approach to the issues before us.

Indeed, we consider that this process, attended as it is by experts from all disciplines, provides a unique opportunity to address issues intersectorally — one which would not be available through other committees or structures. We believe that before we look at alternative structures or committees, we should give this current process, which is working well, the opportunity to demonstrate fully its potential.

We are also seeking to apply that approach in our domestic system, through the development of a framework oceans policy, and also regionally through working with our Pacific neighbours and partners to create a strategy. It is fair to say that developing such a framework oceans policy is not proving to be easy, but the exercise of identifying key interests and seeking to place each part of the system within a whole is an important investment in our future.

It is appropriate that I also mention briefly one other significant development in the implementation of UNCLOS which is particularly welcome to New Zealand. We applaud the fact that the implementing Fish Stocks Agreement will shortly enter into force, and we wish to congratulate the delegation of Malta for its recent accession to the Agreement, which triggered that effect. We consider that with this Agreement, we now have in place the legal principles required to manage effectively these precious fisheries resources and to reverse the current trend of decline in fish stocks worldwide. As a party to the Agreement, New Zealand has in place the legal and administrative mechanisms required for its implementation, and we will ensure that our vessels, nationals and companies comply fully with its provisions.

Finally, we wish to thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to us. We participated in the consideration of the Secretary-General's report during the informal consultative process earlier this year, which identified key issues of concern to delegations and reached a number of very useful agreed conclusions on how to respond to them. As sponsors, we fully support the reflection of those concerns and the agreed conclusions in the two draft resolutions under this item.

Ms. Hanson (Canada): Canada is pleased to note that 11 December will mark the entry into force of the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks and is proud to count itself among the first 30 States parties to the Agreement.

Many of the world's fish stocks are overfished and in decline. If sustainable fisheries are to be

maintained for future generations, international cooperation is paramount, globally and through regional fisheries organizations, to implement and enforce conservation and management measures. Without effective conservation action, the oceans will soon no longer be capable of feeding humankind.

Fortunately, the means to take such action are at hand. The United Nations Fish Stocks Agreement establishes principles and practices designed to ensure the long-term conservation and sustainable use of highly migratory and sustainable fish stocks.

(spoke in French)

The United Nations Fish Stocks Agreement grew from the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. As we head towards Rio+10, the World Summit on Sustainable Development, in 2002, the entry into force of the United Nations Fish Stocks Agreement can be heralded as a concrete achievement.

However, entry into force of the Agreement is not the end of the story. We must continue to encourage States to become parties to the Agreement and to implement it fully and effectively. Canada urges the international community to renew its efforts in this regard.

The President: In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on the Secretary-General of the International Seabed Authority, His Excellency Mr. Satya Nandan.

Mr. Nandan: I wish to express the appreciation of the International Seabed Authority to the delegations which have expressed their support for the work of the Authority. It is encouraging that there is such a high level of interest in the Authority's work, and I believe this to be a positive indication of the commitment of Member States to see the Authority develop into an effective organization capable of giving effect to its responsibilities under the 1982 Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of the Convention.

I also wish to express appreciation for the various references to the Authority in draft resolution A/56/L.17, which is now before the Assembly, particularly those in parts V and VI. In part V, the Assembly notes with satisfaction the ongoing work of the Authority, including the issuance of contracts for exploration for polymetallic nodules and the elaboration of recommendations for the guidance of contractors to ensure effective protection of the marine environment from harmful effects that may arise from activities in the International Seabed Area.

The signature in 2001 of 15-year exploration contracts with six out of the seven registered pioneer investors marked a significant milestone for the Authority. It brings to an end the interim regime established by resolution II of the Conference. More importantly, it gives practical and real effect to the single regime for the Area established by the Convention, the Agreement and the Regulations for prospecting and exploration for polymetallic nodules in the Area and, as such, represents a significant step forward for the international community.

The Authority is now in a contractual relationship with the former registered pioneer investors. In accordance with the provisions of the Regulations, each contractor has provided the Authority with details of its proposed activities under the contract and each contractor is under an obligation to report to the Authority on the progress of exploration.

Another significant achievement in 2001 was the issuance by the Authority's Legal and Technical Commission of a set of recommendations for the guidance of contractors for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules in the Area. These recommendations, which are highly technical in nature, are designed to help contractors to fulfil their obligations under the contract as they relate to the protection of the marine environment from potential harmful effects which may arise from activities in the Area. The recommendations are based upon the outcomes of an international workshop held by the Authority in 1998, which was then given detailed scrutiny by the Legal and Technical Commission. They represent, therefore, an analysis based on the best available scientific knowledge of the deep ocean environment and the technology to be used in exploration.

The objective of the reporting requirements under the contracts and the recommendations is not to unduly burden the contractors with unnecessary requirements, but to establish a mechanism whereby the Authority, and particularly the Legal and Technical Commission, can be provided with the information necessary to carry out its responsibilities under the Convention and

the Agreement to ensure the protection of the marine environment from harmful effects arising from activities in the Area.

In this context, on a broader scale, the draft resolution before the Assembly, as well as the report of the Co-Chairpersons of the Informal Consultative Process, reiterate that national, regional and global efforts to manage the oceans need to be informed and guided by the concept of ecosystem-based management. This applies equally to the deep ocean. We need to improve our knowledge of the deep ocean ecosystem, increase our understanding of the relationship between ecosystems and multiple uses of the oceans and take these factors into account in making decisions.

Over the past two years, the work of the Authority has become increasingly of a technical nature. This is a development that is both inevitable and desirable. In June 2001, the Authority convened the fourth in a series of international workshops on issues relating to deep seabed mining. The subject of this year's workshop, which was attended by a number of eminent scientists and researchers, was the standardization of data collection and evaluation from research and exploratory activities undertaken in the deep seabed, both in respect of the mineral resources and in respect of the protection and preservation of the marine environment. It is clear from the discussions that took place during this and previous workshops that considerable research is required to bridge the gaps in knowledge of the deep ocean ecosystem to enable the Authority to effectively manage impacts from future mining.

It is also clear that the Authority has an important technical role to play, both as a global repository of data and information and as a catalyst for collaborative research at the international level. In July 2002, immediately prior to its eighth session, the Authority will convene a further technical workshop which will focus on the prospects for international cooperation and collaboration in marine scientific research on the deep oceans and address critical issues for the sediment biota and biota living on nodules in potential mining areas.

To succeed in its efforts, the Authority will need to work closely and establish a symbiotic relationship with contractors in the implementation of exploration contracts and the practical application of the recommendations. I am confident that contractors will cooperate with the Authority, realizing that improved knowledge of the deep ocean environment is to the benefit of everyone.

At the same time, however, there is a need for ongoing involvement of a political nature in the work of the Authority. At this year's session, in response to a request made by a member State, the Council of the Authority commenced work on consideration of the appropriate type of regulation for prospecting and exploration for hydrothermal polymetallic sulphides and cobalt-rich crusts. While work in this area is at a preliminary phase, the Council decided nevertheless that it should continue consideration of issues relating to the elaboration of such regulations at its next session in order to give the members of the Council the opportunity to consider further the important conceptual issues involved. In the meantime, the Secretariat has been requested to collect and assemble necessary information for the consideration of the Council.

Given the nature of the issues under consideration, I would like to repeat the call I made during last year's debate in the General Assembly for all member States to consider seriously their participation in the meetings of the Authority. It is particularly important that, in formulating new regulations, the views of all member States should be taken into consideration. The Convention and the Agreement establish a very high threshold for the quorum necessary for the convening of the Assembly and the Council, which in the case of the Assembly is one half of the total membership of the Authority — that is, one half of the total number of States parties to the Convention. It is apparent, therefore, that, without the presence of members at the meetings of the Authority, its ability to take decisions will be affected.

I would like to refer to paragraph 15 of draft resolution A/56/L.17, which refers to the prompt payment of dues to the Authority and the Tribunal. I would like to take this opportunity to urge those member States that have not yet done so to pay their contributions to the administrative budget of the Authority in full and on time. I am pleased to say that the response to previous requests by both the Assembly of the Authority and this General Assembly has been encouraging and that the majority of member States have fulfilled their obligations promptly. This is important because it has helped the Authority in turn to

manage its finances in a responsible and efficient manner. I am grateful to all member States for their cooperation in this regard and I would once again urge all those that are in arrears, including those former provisional members of the Authority, to pay their outstanding contributions in full and as soon as possible to enable the Authority to continue its work.

I would like to express appreciation to the Secretary-General for his report contained in document A/56/58 and Add.1. I congratulate my friends and colleagues in the Division for Ocean Affairs and the Law of the Sea on a comprehensive and useful report. I particularly welcome the addendum to the main report, which provides a succinct and up-to-date overview of developments since the main report was issued.

I also wish to commend the Co-Chairpersons of the Informal Consultative Process for their excellent work during the second meeting of that Process and to thank them for their report, contained in document A/56/121. I believe that the report is a considerable improvement on last year's report and contains a number of thought-provoking suggestions and recommendations that will help to guide the work of the General Assembly not only this year, but in the future as well. The themes selected for consideration during this year's meeting, particularly the theme of priorities for marine scientific research, are extremely important and it was particularly pleasing to see the participation in the meetings the Process of a broad cross section of representatives of a number of specialized agencies and other international organizations and bodies concerned with marine scientific research.

The subject of marine scientific research is, of course, a matter of great concern to the International Seabed Authority, which has a duty under the Convention to promote and encourage the conduct of marine scientific research in the Area and to coordinate and disseminate the results of such research. I was therefore greatly encouraged at the level of support expressed by the participants in the Informal Consultative Process for scientific projects aimed at investigating the biological diversity of the high seas and the biota, biotopes and habitats of the deep ocean, as well as the recognition of the need to better coordinate inter-agency responses regarding the sustainable use of living resources and the protection of biological diversity on the high seas.

Two of the particular issues that I believe will need to be addressed through better coordination are the need to clarify certain aspects of the regime for marine scientific research, and the question of how to deal with newly discovered genetic resources.

The basic principle set out in the Convention is that all States and competent international organizations have the right to conduct marine scientific research, subject to the rights and duties of other States, as provided for in the Convention. This broad principle is justified by the need to increase our knowledge of the marine environment and to enable mankind as a whole to benefit from such knowledge. In the context of the International Seabed Authority, for example, marine scientific research will be an essential tool in providing the Authority with the information it needs to fulfil its obligations to protect and preserve the marine environment under article 145 of the Convention, as well as to provide the basic information necessary in order to effectively regulate prospecting, exploration and exploitation of the resources of the Area.

The problem is that, while there is freedom to engage in marine scientific research on the high seas and in the seabed, mineral resource prospecting and exploration in the Area are regulated through the Authority. The Convention fails to distinguish adequately between the terms "marine scientific research", "prospecting" and "exploration", nor does it make a distinction between pure and applied scientific research. The problem becomes even more acute when we consider the new scientific discoveries in recent years, particularly the deep sea vents, which comprise both mineral resources — polymetallic sulphides — and genetic resources in the form of rich biological communities of unknown potential use to science. Here we have not only a very real conflict between true marine scientific research and mineral prospecting, but also the potential for multiple use conflicts between, for example, deep seabed miners — so-called bioprospectors — and the proper conservation and management of the deep ocean environment.

Clearly, there is a close relationship between the conduct of activities relating to non-living resources, for which the Authority has responsibility, and the sustainable use of living resources of the deep ocean. Indeed, the Authority has the duty, under article 145 of the Convention, to adopt appropriate regulations and procedures for the protection and conservation of the

natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment. In this regard, it is therefore critical at this early stage that the various interests and agencies involved in scientific and other activities in the area cooperate to the maximum extent possible.

I would like to comment briefly on draft resolution A/56/L.18, relating to the Fish Stocks Agreement.

As one who was closely associated with the negotiation and adoption of this important Agreement, as Chairman of the Conference, I feel very gratified that the Agreement will enter into force on 11 December 2001. The Agreement is an essential complement to the 1982 Convention, as it relates to conservation and management of fisheries resources. Together with the various instruments adopted by organizations such as the Food and Agriculture Organization of the United Nations (FAO), the Agreement has already had a profound effect on fisheries management. It has become the reference point for the review of fisheries management organizations worldwide and has been used as the basis for the establishment of at least two important regional fisheries management organizations in the Western and Central Pacific Ocean and in the South-East Atlantic Ocean.

I particularly welcome the reference in the draft resolution to the provisions of article 36 of the Agreement. This is a very important provision, which calls for a conference to be convened four years after the date of entry into force in order to review and assess the adequacy of the provisions of the Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions to address any continuing problems in the conservation and management of the fish stocks to which the Agreement applies. I am encouraged to see that the draft resolution recognizes the importance of this process and requests the Secretary-General to report annually on the implementation of the Agreement.

A major problem in fisheries today is illegal, unreported and unregulated (IUU) fishing, which the draft resolution rightly addresses. The draft resolution also requests flag States to exercise effective control over fishing vessels flying their flags, focusing on the primary responsibility of the flag State and the use of all available jurisdiction in accordance with international law. While the efforts of the FAO and International Maritime Organization in this regard are to be commended, the fact is that in many cases flag States are not in a position to control and prevent IUU fishing, particularly if they are flags of convenience. It is well known that flags of convenience are invariably used as a device by the owners of fishing vessels to avoid compliance with conservation and management measures. It is useful to observe here that of the five cases on prompt release of vessels under article 292 of the Convention that have come before the International Tribunal for the Law of the Sea, all have involved fishing vessels flying flags of convenience.

The problem of illegal, unreported and unregulated fishing cannot be tackled simply by concentrating on the definition of "genuine link" because that concept has wider implications and concerns all types of vessels, and it is therefore not surprising that any attempt to tinker with the idea of defining the genuine link invariably meets with formidable roadblocks. The conservation and management of fisheries resources is very much a problem of the fisheries sector and must be dealt with in that context.

In this modern day of free movement of labour and capital, it is no longer sufficient in the case of fishing vessels to rely on flag State control alone. The reality is that the primary culprits are the owners of fishing vessels and the masters of such vessels, who are not always nationals of the flag State. We therefore have to tackle this festering problem head on by making owners and masters equally responsible for the activities of the fishing vessels under their ownership, direction and control.

This is not a radical suggestion. It has been used in the context of other types of activities in the oceans. For example, in the case of oil pollution, the owners of tankers and the owners of the cargo are held responsible for oil spills. There is no reason why owners and charterers of fishing vessels and those who actually control the vessels, the masters, should not be held similarly responsible. This is an area of fishing law whose development needs urgent attention if we are serious about taking effective measures to deal with the problems of IUU fishing.

I am pleased to see the reference in draft resolution A/56/L.17 to the forthcoming twentieth

anniversary of the opening for signature of the 1982 Convention, and I look forward to participating in the commemoration of this significant event in the life of this Convention.

May I conclude by once again thanking all those who have spoken in support of the Authority. I look forward to the continued and constructive participation of Member States in the future work of the Authority.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolutions A/56/L.17 and A/56/L.18.

I shall now call on those representatives who wish to make statements in explanation of vote or position before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Cengizer (Turkey): With regard to the two draft resolutions before us under the agenda item entitled "Oceans and the law of the sea", Turkey will vote against the draft resolution entitled "Oceans and the law of the sea", contained in document A/56/L.17. The reason for my delegation's negative vote is that some of the elements contained in the United Nations Convention on the Law of the Sea that had prevented Turkey from approving the Convention are once again retained in this year's draft resolution. Turkey supports the international efforts to establish a regime of the sea that is based on the principle of equity and that can be acceptable to all States. However, the Convention does not make adequate provisions for special geographical situations and, as a consequence, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it owing to these serious shortcomings. That being the case, we cannot support the draft resolution that calls upon States to become parties to the Convention on the Law of the Sea and to harmonize their national legislation with its provisions.

As to the draft resolution entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", contained in document A/56/L.18, my delegation wishes to reaffirm the position that I have just elaborated vis-à-vis the Convention on the Law of the Sea. For the aforementioned reasons, we are likewise unable to give our consent to certain references to the Convention made in this draft resolution, in particular to its operative paragraph 2, where States are called upon to become parties to it. In this respect, Turkey disassociates itself from the consensus on this paragraph.

Mrs. Quezada (Chile) (*spoke in Spanish*): My delegation wishes to explain its position with regard to draft resolution A/56/L.18.

My country has decided that it will join the consensus for the adoption the draft resolution on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Nevertheless, we would like to place on record the following comments before the draft resolution is adopted.

My delegation would like to underscore that, along with that Agreement, the Food and Agricultural Organization (FAO) agreements on flagging and a Code of Conduct, as well as regional agreements and other declarations regarding State practices, are equally important.

My delegation is aware of the influence of the United Nations Agreement despite the fact that it will not enter into force until six years after its adoption, and that over two thirds of the members of the General Assembly have yet to sign it, including Chile. Chile has decided that, for the time being, it will not sign the Agreement because we believe that it does not provide sufficient protection for the interests of coastal States, as enshrined in article 116 of the Convention with regard to adjacent areas, as well as in other provisions of that normative agreement. In addition, the Agreement allows for the involvement of third States in national exclusive economic zones and deprives coastal States of their discretionary rights over their ports.

On that basis and on the basis of article 117 of the Convention on the Law of the Sea — which, among other things, establishes the duty of all States to cooperate by taking the necessary measures for the

conservation of resources on the high seas — Chile has agreed to join the Framework Agreement for the Conservation of Living Marine Resources in High Seas of the South-East Pacific. Known as the Galapagos Agreement, the Agreement was signed by member countries of the Permanent Commission for the South-East Pacific and was recently ratified by my country. Given its nature as a framework agreement, once it is in force it will be open to signature by, and the subsequent adherence of, all interested States.

Chile believes that the United Nations Convention on the Law of the Sea is the essential legal instrument in this field in accordance with which all activity on the seas and in the oceans should be carried out. Therefore, any call to ratify the United Nations Fish Stocks Agreement should be part of an initial appeal to ratify the Convention, given that, in the final analysis, one of the goals of the Agreement is the implementation of the Convention.

Similarly, and in accordance with treaty law, my delegation believes that no obligations emanating from a given agreement can be imposed on third parties that are not party to that agreement. Moreover, my delegation believes that the issue of fishing on the high seas is broader than the Agreement that is the subject of the draft resolution we are going to adopt. That makes it necessary to make reference to concluding negotiations and beginning the preparatory work on creating new instruments, agreements and regional fisheries organizations, as well as to take note of the role of the Convention on the Law of the Sea in the preparations.

It was to that end, and in order to be able to join the consensus, that we took part in negotiations to include additional paragraphs and to make changes to the language of the draft resolution that would reflect the position we have expressed here.

Mrs. Cavaliere de Nava (Venezuela) (*spoke in Spanish*): The delegation of Venezuela aligned itself with the statement made today on behalf of the Rio Group on oceans and the law of the sea. It did so out of the same spirit of cooperation that motivates the Group on this matter. That was also what encouraged us to endorse international efforts aimed at promoting international cooperation and coordination in the field of oceans and the law of the sea.

Nevertheless, we wish to take this opportunity to state that Venezuela believes that, not being party to the Convention, a few of the elements contained in the draft resolution on the Convention (A/56/L.17) do not apply to it, and that provisions that it has not expressly accepted cannot be imposed on it.

It is for these reasons that we will abstain in the voting.

The Acting President: We have heard the last speaker in explanation of vote or position before the voting.

The Assembly will now take a decision on draft resolutions A/56/L.17 and A/56/L.18. We first turn to draft resolution A/56/L.17, entitled "Oceans and the law of the sea".

I should like to announce that since the introduction of draft resolution A/56/L.17, the following countries have also become sponsors: Belize, Madagascar and Mongolia.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Comoros, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Thailand, the former Yugoslav Republic

of Macedonia, Togo, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yugoslavia, Zambia

Against:
Turkey

Abstaining:
Colombia, Ecuador, Peru, Venezuela

Draft resolution A/56/L.17 was adopted by 121 votes to 1, with 4 abstentions (resolution 56/12).

[Subsequently, the delegation of Indonesia advised the Secretariat that it had intended to vote in favour.]

The Acting President: We now turn to draft resolution A/56/L.18, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

I should like to announce that since the publication of this draft resolution the following countries have also become sponsors: Barbados, Malta and Monaco.

May I take it that the Assembly decides to adopt A/56/L.18?

Draft resolution A/56/L.18 was adopted (resolution 56/13).

The Acting President: I shall now call on those representatives who wish to speak in explanation of their position on the resolution just adopted.

Mr. Cabrera (Peru) *(spoke in Spanish)*: Peru abstained in the voting on the draft resolution contained in document A/56/L.17 on "Oceans and the law of the sea". This was done without prejudice to Peru's respect for international law and protection of the oceans, the law of the sea and the rights of coastal States. Similarly, it was done without prejudice to Peru's support for the principles of international cooperation in this sphere.

Peru abstained on this draft resolution because it is not yet party to the United Nations Convention on the Law of the Sea (UNCLOS), but I am pleased to announce now that last May the Government officially submitted to the National Congress, in accordance with its constitutional rules, a draft law on accession to the United Nations Convention on the Law of the Sea.

My delegation hopes that, following appropriate internal political debate, we will be in a position to announce Peru's accession to this important Convention in the very near future.

Mr. Bocalandro (Argentina) *(spoke in Spanish)*: In joining the consensus in adopting draft resolution A/56/L.18 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, our delegation wishes to reiterate that it interprets that the reference made in this resolution to "entities" should be understood as a reference to the entities listed in Article 305 of the United Nations Convention on the Law of the Sea.

Mr. Brattskar (Norway): Norway has traditionally co-sponsored General Assembly resolutions on oceans and the law of the sea adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS). We regret not being in a position to do so this year with regard to draft resolution A/56/L.17 due to the language of operative paragraph 48 dealing with the informal consultative process.

The informal consultative process established by General Assembly resolution 54/33 shall deliberate on the Secretary-General's report on oceans and the law of the sea, with a view to facilitating the annual review by the General Assembly. The process, which will be evaluated with regard to the effectiveness and utility of the General Assembly's fifty-seventh session, is thus to be regarded as a non-institutional mechanism employed by the General Assembly to facilitate its own work and is by no means certain how the General Assembly may wish to proceed with regard to such facilitation after the aforementioned evaluation of the process.

Norway has taken an active role in the work of the informal consultative process and has strongly supported the cross-sectoral approach consistent with the legal framework provided by UNCLOS and the goals of Chapter 17 of Agenda 21. Indeed, Norway has offered several proposals during the meetings of the informal consultative process that have received widespread support.

However, the language of operative paragraph 48 is, in Norway's view, not helpful with respect to the organization of the meeting of the informal consultative process to be held next year. First of all, there is wording in the introductory language that makes reference to the World Summit on Sustainable Development, indicating a linkage between the informal consultative process and the World Summit on Sustainable Development, which Norway finds awkward and inappropriate. Moreover, the identification of areas for deliberation lacks focus and suffers further from the omission of wording offering guidance to the effect that the process is first and foremost concerned with the implementation of UNCLOS.

For the reasons stated, Norway was unable to support the language of operative paragraph 48 and has, therefore, not joined as a sponsor of this year's draft resolution.

Mr. Yamamoto (Japan): Japan voted in favour of omnibus draft resolution A/56/L.17, because it supports the overall content and because it attaches great importance to the framework of the United Nations Convention on the Law of the Sea (UNCLOS).

The Government of Japan would have preferred to be, as in the past, one of the sponsors of draft resolution A/56/L.17. Unfortunately, it was not in a position to do so. In that connection, my delegation wishes to explain its position regarding one of the draft resolution's preambular paragraphs.

The twenty-fifth preambular paragraph, which refers to the International Atomic Energy Agency (IAEA) General Conference resolution GC(45)/RES/10, is, in my delegation's view, a partial reference that does not appropriately reflect the totality of that carefully balanced IAEA resolution.

I would also like to make explanatory remarks on the other resolution, draft resolution A/56/L.18. Japan is committed to making serious efforts to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks and other living marine resources. As a flag State responsibility, it tries to prevent, deter and eliminate illegal, unreported and unregulated fishing and also to apply management measures containing ecosystem considerations.

Draft resolution L.18 also intends to address these important issues, and Japan has participated in its drafting process since the initial informal meeting. Japan appreciates the Chairman's efforts to finalize the draft. However, in the light of the recent developments around the conservation and sustainable use of straddling and highly migratory fish stocks, Japan cannot help but feel certain uncertainties about possible implications of new regional organizations.

The drafting process frequently failed to reflect Japan's concerns. Therefore, it is very difficult for Japan to accept the draft resolution as it is. For this reason, Japan has opted to disassociate itself from the consensus adoption of this resolution. Nonetheless, it has not opposed the adoption by consensus of the other States.

The Acting President: We have heard the last speaker in explanation of vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 30?

It was so decided.

The meeting rose at 4.55 p.m.